I347.30646
WILD
c.3

34147667

Miscellaneous, MH 938

WILDLIFE PROJECT

Wildlife Laws and Enforcement

ILLINOIS STATE LIBRARY
MAR 07 1985
ILLINOIS DOCUMENTS

Introduction

Why should a 4-H member learn something about wildlife laws? Because without a foundation of laws, we could not have wildlife conservation programs. In fact, without laws there would not be nearly as much wildlife for us to enjoy. Laws are necessary to protect wildlife from over-use and to provide programs for wildlife management. Laws control the actions of people with regard to wildlife. Certain laws protect wildlife habitat. Laws provide a system of "rules" for sportsmen and others to follow in the wise use of wildlife resources. Wildlife laws affect almost all of us in one way or another.

The term "wildlife law," for practical purposes, really includes both *laws* and *regulations*. Wildlife regulations are rules made by state and federal conservation agencies. They have the same effect as laws.

Wildlife laws are made by legislative bodies—state legislatures in the case of state laws, or Congress in the case of federal laws. They are enacted after debate and deliberation, and in response to demonstrated needs or problems.

WHAT WILDLIFE LAWS DO

All wildlife laws have the same purpose: to protect, conserve or manage our wildlife resources. To do this, they are written to cover a variety of activities, subjects or particular needs.

Federal wildlife laws differ from state laws. There is no single basic federal wildlife law, but rather a number of different ones. Each one has a specific purpose, such as endangered species preservation. Most states have comprehensive state game laws which cover all the different needs in one package.

State laws are more comprehensive because they have responsibility and jurisdiction over wildlife species which live within the state's borders. The federal government, on the other hand, has primary responsibility for migrating species. Therefore, states need broad, comprehensive laws, while federal laws deal with narrower subjects.

Some examples of the kinds of things state game laws cover are:

1) Ownership of wildlife—Most game laws spell out that wildlife belongs to the public rather than being the property of individuals. It can become the property of individuals only when reduced to possession by legal means spelled out in the law.

2) Creation of a state wildlife agency—All states have laws which establish a governmental organization for the carrying out of wildlife programs. The law specifies how the agency will be made up, where it fits into the structure of state government, and what its purpose, authority and jurisdiction are. Usually, the agency is given the charge of managing, conserving and protecting the wildlife resources of the state. The law further defines what things the agency has the power to do.

3) Regulatory authority—State game laws give wildlife agencies authority to regulate certain activities, such as seasons for taking game, the number of animals allowed to be taken, methods of hunting or fishing, etc. This authority allows the agency to adjust the rules and restrictions when necessary to meet changing conditions.

ILLINOIS STATE LIBRARY
3 1129 00730 497 5

4) Licenses—In the United States the public is the owner of wildlife resources. All states require citizens to purchase hunting and fishing licenses to take game and fish. Money from these licenses is used for wildlife conservation programs. Hunting and fishing licenses are privilege licenses. This means they allow the buyer the privilege of harvesting a share of the publicly-owned wildlife resource. They are required of most citizens, although there are usually exceptions provided by law for landowners, senior citizens, and young people.

5) Endangered species laws—In response to concern about the continuing loss of some wildlife species, both federal and state laws have recently been passed giving complete protection to certain kinds of wildlife which are in danger of disappearing. Some examples of such species are cougars, peregrine falcons, and red-cockaded woodpeckers.

6) Environmental laws—Because many of man's activities are harmful to the environment for both man and wildlife species, laws have been passed to protect the environment. These laws restrict development and other activities which destroy wildlife habitat or create environmental problems. Examples of such activities are dredging and draining of wetlands, releasing pollutants into the air and water, and misuse of chemicals.

WHERE WILDLIFE LAWS COME FROM

Wildlife laws, just like other laws, result from action by legislative bodies. Federal laws are passed by Congress, state laws by legislatures or general assemblies. In either case, the people who enact the laws are representatives elected by the people.

Wildlife laws usually originate because there is an obvious need for them. Requests for their enactment can come from state or federal wildlife agencies, citizens groups or study commissions. They must have the support of citizens to be enacted.

Regulations, which are changed more frequently than laws, are made by federal and state wildlife agencies. They are adapted after publication, public hearings and comments from citizens. Many of them, such as hunting and fishing rules, are revised each year to reflect changes in wildlife populations, or hunting and fishing pressure.

WHERE YOU CAN LEARN ABOUT LAWS AND REGULATIONS

Rules are of no value if people do not know and follow them. Therefore, it is important that wildlife agencies make provision for publishing them. Most state wildlife agencies periodically publish digests of laws and regulations of general application. They are available at places where licenses are sold and at wildlife agency offices.

ENFORCEMENT

Enforcement Agencies

Wildlife laws and regulations are enforced by state and federal wildlife agencies. Each state has an agency (usually called a Wildlife or Game and Fish Department) which has responsibility for wildlife programs. These departments usually have a Division of Enforcement, staffed with full-time conservation officers specially trained and equipped to enforce game and fish laws and regulations. In many states these officers have additional responsibility for boating law enforcement. Officers are equipped with patrol vehicles, boats, radio communications, sidearms, and uniforms. Depending on the size of the state, they may number as high as several hundred per state.

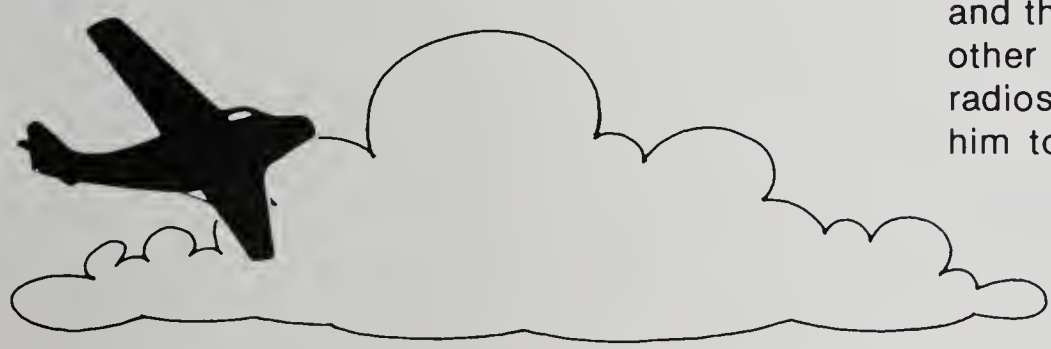
Federal laws and regulations are enforced by special agents of the U.S. Fish and Wildlife Service. They have primary responsibility for enforcement of laws and regulations on migratory birds such as waterfowl, shorebirds, and doves as well as illegal transportation and sale of wildlife across state boundaries. Nationwide this staff of officers numbers several hundred.

Enforcement Operations

Both state and federal wildlife enforcement agencies operate on the basis of knowledge and information about activities over which they have jurisdiction. This requires a thorough up-to-date knowledge of current hunting, fishing and boating activities and what people are doing and where. Answers to the basic questions of "how, what, where, when, why and who" are the bread and butter of the enforcement officer's job. To find these answers, the officer must be a good outdoorsman, an excellent observer, a good judge of people, well-versed in criminal court procedures, and in excellent physical condition. Most important, he must have a burning interest in, and dedication to, his work. He must enjoy what he does and feel that it is important. He must communicate these qualities to others, particularly the sportsmen he serves, since he needs their confidence to be successful. Much of the information he needs for his work comes from others who keep him informed as to their knowledge of activities, both legal and illegal. His other prime source of information is his own observation which, coupled with past experience, lets him draw conclusions about "what is likely to be happening where" at any given time. Most state enforcement agencies are organized with a basic corps of field enforcement officers (called conservation officers, game wardens, etc.), each of whom has an assigned territory which he normally patrols. This territory may be as much as an entire county. There are usually area or district supervisory officers who do both administrative and field work. Some enforcement divisions use military rankings (sgt., capt., etc.) to designate different levels of responsibility. A Division chief serves as commanding officer of the unit. In addition to the field enforcement officers, there are usually special officers such as air patrol pilots and special investigators.

The U.S. Fish and Wildlife Service is organized with one or more agents in each state. These agents work closely with the state officers.

Wildlife enforcement agencies are equipped with the appropriate items to carry out their work. This equipment consists of a variety of vehicles including patrol cars, 4-wheel drives, boats, and airplanes. Personal equipment includes uniforms, sidearms, binoculars, and other small items. A good radio communications system is essential. Most systems allow the officers to talk to each other, to district offices and the central headquarters and, in some cases, to other law enforcement agencies. Small portable radios the officer can carry with him on foot enable him to stay in touch while alone in the field. Such communication is vital for effective enforcement and for personal safety.



A recent feature of most communications systems is a tie-in with the public. This is usually accomplished by means of toll-free telephone lines to the agency's headquarters or field offices. This enables a person who observes a violation taking place to call in a report. Such reports are immediately relayed to the nearest field officer for investigation.

Selection and Training

This is one of the most important activities of a wildlife law enforcement agency. Because of the unique qualifications required, many candidates must be screened to find those who will make the best officers. Mental and physical examinations are administered and after candidates are selected, they are given training prior to beginning their work. After employment, officers often receive regular in-service training to keep them up to date in all phases of their duties. Subjects covered in training programs include game and fish laws and regulations, laws of arrest, evidence, search and seizure, self-defense, game and fish management, writing reports, public speaking, court procedures and use of equipment such as patrol cars and firearms.

Wildlife law enforcement is a combination of professional training and backwoods savvy, plus a lot of hard work and some personal danger. It is seldom routine, but always interesting and challenging. Its rewards are satisfaction in an important job well-done and doing something the officer enjoys.

THE COURTS

To accomplish their purpose, wildlife laws and regulations must not only be enforced, but the penalties they impose for violations must be administered. Evidence to prove guilt or innocence must be weighed. This is the responsibility of the courts.

Most wildlife violations are misdemeanors which are handled by the lower courts. These are usually called magistrate's courts or district courts. More serious cases may be heard in superior courts, and appeals may in some cases go to Supreme Court. The wildlife laws specify penalties for different kinds of violations. Usually these penalties consist of a fine (with the amount depending on how serious the violation is). In more serious cases jail sentences may be imposed. Loss of hunting or fishing privileges often is a part of the penalty. As is true with all criminal charges brought to trial, the arresting officer must present evidence to prove that the defendant committed the violation for which he was charged. He is considered innocent until he is proven guilty or admits guilt.

THE PUBLIC'S ROLE

Wildlife laws and regulations do not work as intended unless they have public support. It is important that people understand what the rules are, why they are necessary and what they are to accomplish. For this reason, we should all become familiar with the rules and strive to obey them. Further, we should let others know—particularly our wildlife agencies, the courts and our fellow citizens—that we support strong laws and enforcement. We should take part in

making the rules by letting lawmakers and wildlife agencies know how we feel about proposed laws and regulations. And finally, we should cooperate with wildlife enforcement agencies by reporting information about violations or suspicious activities.

THINGS TO DO

1. Get a copy of your state's fishing and hunting laws and regulations and study them. Copies can usually be obtained from sporting goods stores or agents who sell hunting and fishing licenses. What are your state's license fees, seasons, bag limits, etc.
2. Visit your nearest wildlife agency district office or headquarters. Ask them to brief you on their law enforcement program. Find out the requirements for becoming a wildlife law enforcement officer. Find out who your local enforcement officer is and how to get in touch with him.
3. Contact your local enforcement officer. Talk with him about his work, what his job is, and what the local problems are. If possible, spend some time with him out in the field. Ask him to present a talk or program on his work to your 4-H group or school.
4. Visit a court when a wildlife case is to be tried. Observe how it is handled and the results.
5. Prepare a report or reports on all of the above activities to present to your 4-H club or a class in school.

GLOSSARY

Arrest — the taking of a person into custody by a law enforcement officer.

Conservation officer — an officer with authority to enforce wildlife conservation laws.

Court — a place where evidence of violations of laws and regulations is presented and guilt or innocence is determined. Courts also levy penalties for violations.

Crime — an act committed or omitted in violation of a law or regulation.

Endangered species — wildlife species which are in danger of becoming extinct.

Evidence — something which tends to prove or disprove that a law violation occurred.

Fine — a money penalty assessed for a violation of law or regulation.

Game — defined by laws which may vary by state. Generally, those wild animals which are hunted for sport.

Illegal — unlawful.

Jurisdiction — authority of governmental bodies as defined by law.

Law — an act of legislative body (Congress or state legislatures), setting forth rules compelling or restraining actions of the public, defining authority of agencies and setting forth penalties for violations.

License — permission to take some action such as hunting, fishing or trapping. Licenses for these activities are issued by governmental agencies, usually for a fee.

Migratory — wildlife species which are not year-round residents of a particular place, but which change locations according to the seasons.

Prosecution — bringing a supposed violator to justice and punishment under the law.

Regulation — a rule having the force of law, usually enacted by a governmental agency under authority of law.

Sentence — a judgment made by a court in a violation of law, usually setting forth the penalty applied to a case.

Wildlife resources — all wild species, including game, fish and furbearers.

REFERENCE

Sigler, William F., Wildlife Law Enforcement, Wm. C. Brown Co., 1956.

UNIVERSITY OF ILLINOIS-URBANA
3 0112 122538769

ACKNOWLEDGEMENTS

This material was prepared by the Southern Regional 4-H Wildlife Literature Committee through a grant from Atlantic Richfield Foundation.

COMMITTEE: Alvin C. Blake, Tennessee; Dan T. Gardner, Alabama; Dennis Goodman, Kentucky; James E. Miller, Arkansas; Lewis R. Shelton, III, Mississippi; Andrew Weber, North Carolina (Vice Chairman); and James L. Byford, Tennessee (Chairman).

Prepared by: Robert B. Hazel, North Carolina State University

Cooperative Extension Service
University of Illinois at Urbana-Champaign

Helping You Put Knowledge to Work

Issued in furtherance of Cooperative Extension Work, Acts of May 8 and June 30, 1914, in cooperation with the U.S. Department of Agriculture, DONALD L. UCHTMANN, Director, Cooperative Extension Service, University of Illinois at Urbana-Champaign. The Illinois Cooperative Extension Service provides equal opportunities in programs and employment.